

Friesen

Attorney Docket No. P05453US0

REMARKS

The Examiner has requested confirmation of the restriction requirement between claims 1-19, 20-23, or 24-25. Applicant confirms the election of claims 1-19, with claims 20-25 being cancelled.

Claims 14-17 have been rejected under 35 U.S.C. § 112. Claims 14 and 16 have been deemed to be not patentably distinct. Applicant has canceled claim 16 to overcome this rejection. Claims 15 and 17 lacked antecedent support for the term "guide plates." Claims 15 and 17 have been amended so as to depend from claim 14, which provides antecedent support for "guide plates." Therefore, the § 112 rejection of these claims is moot.

Independent claim 1 has been rejected under § 102 as being anticipated by Roth, and under § 103 as being obvious over Kruse. Independent claim 10 has been rejected under § 103 as being obvious over Ehlers. Depending claim 11 has been rejected under § 103 as being obvious over Titcombe. The remaining dependent claims have been rejected under § 103 based on numerous references. Applicant respectfully traverses these rejections, and requests reconsideration of the claims, as amended.

Claim 1 as filed provided that the guide plates extended "upwardly and outwardly" to facilitate centering of the box on the bed. The Examiner asserts that the Roth plates 52 meet this limitation, as do the Kruse plates 64. Both the Roth plates 52 and the Kruse plates 64 extend straight upwardly, and not outwardly. To further clarify "outwardly," Applicant has amended claim 1 to provide that the guide plates are "inclining upwardly and outwardly from the bed." The Roth plates 52 and Kruse plates 64 clearly do not incline outwardly from the bed, as required by claim 1. Therefore, claim 1 distinguishes over the cited references so as to be in proper form for allowance.

Friesen

Attorney Docket No. P05453US0

Claims 2-9 depend from claim 1 and should be allowable as depending from an allowable base claim.

New claims 26-28 also depend from claim 1 and should be allowable as depending from an allowable base claim. Furthermore, claim 26 provides that each guide plate has "a lower edge connected to the perimeter edge of the bed and an upper edge spaced upwardly and outwardly from the perimeter edge." The plates 52 of Roth and 64 of Kruse do not have an upper edge spaced upwardly and outwardly from the perimeter edge. Therefore, claim 26 further distinguishes over the cited references so as to be allowable.

Claim 27 provides that each guide plate extends "outwardly at an obtuse angle from the bed." The Roth plates 52 and Kruse plates 64 extend perpendicular to the bed, and therefore do not meet the limitation of claim 27. Therefore, claim 27 further distinguishes over the cited references so as to be allowable.

Claim 28 provides that the guide plates "define an enlarged box entrance sloping downwardly and inwardly toward the bed so that the box automatically centers on the bed when loaded onto the bed." This is best seen in Figures 2 and 3, wherein the guide plate 22A slopes downwardly and inwardly toward the bed 14. The plates of Roth and Kruse do not slope downwardly and inwardly towards the bed, and thus do not satisfy the limitations of claim 28. Therefore, claim 28 distinguishes over the cited references so as to be allowable.

Independent claim 10 has been amended to provide that each lock bar is "pivottally connected to the bed for movement between an unlocked position spaced outwardly from the perimeter edge and a locked position spaced inwardly from the perimeter edge of the bed." These unlocked and locked positions are shown in Figures 2 and 3. The Examiner acknowledges that the Ehlers' lock bars 25, 25' and 40 are not pivottally mounted on the bed, but cites the

Friesen

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Titcombe patent for pivotal lock bars 24. However, the pivotal bars 24 of Titcombe are not spaced outwardly from the perimeter edge of the bed in the unlocked position, as required by claim 10. Rather, the plates 24 of Titcombe are inside the perimeter edge of the bed in both the locked and unlocked positions, as seen in Figures 5 and 6. Therefore, claim 10 distinguishes over the cited references so as to be allowable.

Furthermore, while the Examiner suggests that the motivation for combining Ehlers and Titcombe is to provide "a more convenient means of securing the boxes on the vehicle," (paragraph 13 of the Office Action), there is no indication that the Ehlers' lock bars are inconvenient or less convenient than the Titcombe pivotal locking mechanisms. In particular, both Ehlers and Titcombe relate to beds wherein the container slides or rolls onto the bed from the rear. The Ehlers' lock bars 25 and 25' are fixed to the bed, as described at col. 1, lines 66-67 and col. 2, lines 56-57. The only lock bar in Ehlers which must be moved is bar 40, which quickly and simply slides into position in front of the rear end of plate 33, and then rod 41 is slid through eyelets 42, as described at col. 3, lines 25-41. The Titcombe pivotal lock mechanism 24 also must be manually moved from the locked position to the unlocked position to permit removal of the container from the bed. There must be some object teaching to combine the references, In re Fitch, 972 F.2d 1260, 1265 (Fed. Cir. 1992), and the showing must be clear and particular. In re Dembiczak, 175 F.3d 994, 999 (Fed. Cir. 1999). Here, there is no clear and particular objective teaching that the substitution of the Titcombe pivotal lock mechanism in place of the Ehlers lock pieces 25, 25' and 40 provides any additional convenience, as suggested by the Examiner. Therefore, the combination is improper and the § 103 rejection of claim 10 should be withdrawn.

Friesen

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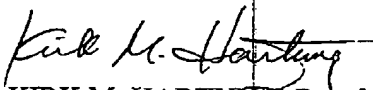
Claims 12-19 depend from claim 10 and should be allowable as depending from an allowable base claim.

In view of the foregoing, Applicant respectfully requests that a Notice of Allowance be issued.

No fees or extensions of time are believed to be due in connection with this amendment; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account No. 26-0084.

Reconsideration and allowance is respectfully requested.

Respectfully submitted,



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